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To: **Mr. Winston Alvarado**
USPTO

Facsimile: (703)-305-3230
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From: Attorney Peng Chen

Date: April 24, 2002

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PLEASE DELIVER IMMEDIATELY TO MR. ALVARADO

Re: U.S. Patent Application, Serial No. 09/980,672
For: CARDIAC MUSCLE FUNCTION AND MANIPULATION
By: Mingdong ZHOU
Our reference: 52401-20002.00

Dear Mr. Alvarado:

Per our discussion today, April 24, attached are copies of the Declaration as filed on February 27, 2002, including returned postcard and accompanying documents. The sequence listing and disk will be filed prior to the May 13, 2002 due date. Thank you for your assistance. Please give me a call if anything further is required.

Regards,

Rhea Amid, Assistant to
Attorney Peng Chen

Docket No.: 524012000200	Atty: Peng Chen/ra <i>MP</i>
Serial No.: 09/980,672	Filing Date: October 23, 2001
Title: CARDIAC MUSCLE FUNCTION AND MANIPULATION	
Date of Mailing: <u>2-27</u> , 2002, via First Class Mail	

Papers enclosed herewith:

- Transmittal, 1 page
- Fee Transmittal, 1 page (in duplicate)
- Declaration (executed), 3 pages
- Return Postcard

JCO7 Rec'd PCT/PTO 08 MAR 2002

Docket No.: 524012000200	Atty: Peng Chen/ra <i>MP</i>
Serial No.: 09/980,672	Filing Date: October 23, 2001
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- Return Postcard

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MAR 27 2002

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/980,672	
	Filing Date	October 23, 2001	
	First Named Inventor	Mingdong ZHOU	
	Group Art Unit	To Be Assigned	
	Examiner Name	To Be Assigned	
Total Number Of Pages In This Submission	6	Attorney Docket No.	524012000200

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declarations (see Exhibit A)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		



25225

PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm or Individual Name	Peng Chen
Signature	<i>Peng Chen</i>
Date	February 27, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on <u>2-27-2002</u>	
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FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number 09/980,672
Filing Date October 23, 2001
First Named Inventor Mingdong ZHOU
Examiner Name To Be Assigned
Group Art Unit To Be Assigned
Attorney Docket No. 524012000200

TOTAL AMOUNT OF PAYMENT

(\$85.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

03-1952, ref. 524012000200

Deposit
Account
Name

Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	0	x	\$ 0
Multiple Dependent	0	x	\$ 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	16	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	16	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	240	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$85)

SUBMITTED BY

Name (Print/Type) Peng Chen

Registration No.
(Attorney/Agent)

43,543

Complete (if applicable)

Telephone (858) 720-5117

Signature

Date February 27, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT
Docket No. 524012000200

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: CARDIAC MUSCLE FUNCTION AND MANIPULATION,

☒ was filed on October 23, 2001 as Application Serial No. 09/980,672 and identified as attorney docket No. 524012000200.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
PP 7850	AUSTRALIA	December 21, 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
PCT/AU99/01137	December 21, 1999	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Shantanu Basu (Reg No. 43,318)	Richard R. Batt (Reg No. 43,485)
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Eric Witt (Reg No. 44,408)	Frank Wu (Reg No. 41,386)
David T. Yang (Reg No. 44,415)	Peter J. Yim (Reg No. 44,417)
George C. Yu (Reg No. 44,418)	Karen R. Zachow (Reg No. 46,332)

and:

Please direct all communications to:

Peng Chen
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130-2332

Please direct all telephone calls to Peng Chen at (858) 720-5117.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<u>Feb. 8, 2002</u>	<u>MINGDONG ZHOU</u>	
Date	Name:	Mingdong ZHOU
	Residence:	La Jolla, California 92037
	Citizenship:	Australia
	Post Office Address:	8430 Via Mallorca, Apt # E, La Jolla, CA 92037

*** RX REPORT ***

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CONNECTION TEL		858 720 5125
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